IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4973 of 2007()

[CRIME NO.103/2007 OF PUTHENVELIKKARA POLICE STATION]

PETITIONERS/ACCUSED NOS.1-3:

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1. SUKUMARAN, S/O. APPU,
   AGED 32 YEARS, KALARIKKAL HOUSE, MARAMPALLY P.O.,
   NORTH VAZHAKKULAM, KUNNATHUNADU TALUK.

2. APPU, S/O. KUNJAYYAPPAN,
   AGED 68 YEARS, KALARIKKAL HOUSE, MARAMPALLY P.O.,
   NORTH VAZHAKKULAM, KUNNATHUNADU TALUK.

3. AMMINI, W/O. APPU,
   AGED 64 YEARS, KALARIKKAL HOUSE, MARAMPALLY P.O.,
   NORTH VAZHAKKULAM, KUNNATHUNADU TALUK.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4973 of 2007

Dated this the 13th day of August 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband, father-in-law and mother-in-law respectively of the de facto complainant. The marriage took place in the year 2001. Two children have been born in the wedlock. There is strain in the matrimonial tie. The complaint was filed before the learned Magistrate. The learned Magistrate forwarded the complaint to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioners. In coming to this conclusion, the fact that the marriage had taken place in 2001; that the spouses are blessed with two children, that there is no allegation of physical cruelty resulting in any physical injury and the fact that arrest and incarceration of the petitioners is likely to mar

the matrimonial tie beyond repair do all weigh with me. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 20/8/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 21/08/2007 and 22/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 20/08/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 20/08/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007